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JM-5630

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

In re:)
Case No. 22-16159 (CMG)
ASSUNCAO BROS., INC.)
Chapter 11 (Subchapter V)

**RESPONSE IN OPPOSITION TO DEBTOR'S MOTION FOR ENTRY OF
ORDER (I) AUTHORIZING THE SALE OF CERTAIN OF THE DEBTOR'S
ASSETS TO VOLLERS EXCAVATING AND CONSTRUCTION, INC., (II)
APPROVING SETTLEMENT, (III) AUTHORIZING DEBTOR TO ENTER
INTO SUBCONTRACTS WITH VOLLERS FOR CERTAIN NON-BONDED
PROJECTS, AND (IV) AUTHORIZING THE DEBTOR TO ASSUME AND
ASSIGN CERTAIN EXECUTORY CONTRACTS AND UNEXPIRED LEASES**

AmeriCredit Financial Services, Inc. dba GM Financial

("GM Financial"), a creditor of the Debtor, objects to the
Debtor's Motion for the following reasons:

1. GM Financial is a secured Creditor of the Debtor and is
the holder of a first purchase money security interest in
the following vehicles:

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- a. 2018 Chevrolet Silverado 1500 with VIN ending 0466
 - b. 2021 Chevrolet Tahoe with VIN ending 3229
 - c. 2020 Chevrolet Colorado with VIN ending 0755
 - d. 2020 GMC Sierra 1500 with VIN ending 5302
 - e. 2017 Chevrolet Silverado 3500 with VIN ending 3921
 - f. 2017 Chevrolet Silverado 3500 with VIN ending 7577
2. The vehicles are listed on both Schedule 1.01(b), which appears to list equipment and vehicles intended to be sold, and Schedule 1.03(d), listing equipment financing to be assumed.
3. The contracts for each of the vehicles listed above are each retail installment sales contracts, and not unexpired leases or executory contracts. Therefore, section 365(a) of the Bankruptcy Code does not apply to the vehicles. GM Financial therefore objects to the Debtor's proposal to include the vehicles with equipment financing to be assumed.
4. GM Financial also objects to any proposed sale of the vehicles free and clear of its liens. If the Debtor proposes to sell the vehicles, any sale must include a condition that GM Financial be paid off in full for each vehicle from proceeds of the sale. GM Financial should not be required/compelled to release title to any of the vehicles until the accounts have been paid in full from

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1 proceeds of any sale, the proceeds have been applied to
2 each account, and payment(s) clear.

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5 For the foregoing reasons, GM Financial respectfully
6 requests that the Debtor's Motion be DENIED, and that the
7 Court grant such further relief as is just and equitable.

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10 /s/ William E. Craig
11 William E. Craig, attorney for
12 AmeriCredit Financial Services, Inc.
dba GM Financial

13 Date: 8-19-22

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